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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department

Notification

HD-25-8300/65

The following notification is republished for the information of the public.

In exercise of the powers conferred by sections 21, 41, 65, 67, 68, 70 and 91 of the Motor Vehicles Act 1939, as extended to the Union Territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes the following amendment to the Goa, Daman and Diu Motor Vehicles Rules, 1965, the same having been previously published, as required by sub-section (1) of section 133 of the said Act.

1. Short title. — (1) These Rules may be called the Goa, Daman and Diu, *M. V. (4th amendment) Rules 1966.

(2) These rules shall come into force on 1st August 1966.

2. Substitution of clause (iv) of Rule 2.2. — Clause (iv) of Rule 2.2 shall be substituted by a fresh clause as below:—

“No authorisation to drive a public service vehicle shall be granted unless the applicant satisfies the licensing authority concerned that he has had at least two years’ experience in driving any transport vehicle other than a motor cycle.

3. Insertion of Rule 5-61 after Rule 5-60. — After Rule 5.60 the following Rule 5-61 shall be inserted.

(1) The hood of every motor cab shall be painted in cream yellow and the rest of the body in black colour.

(2) No motor vehicle other than a motor cab shall be painted in the manner prescribed in sub-rule (1).

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Vaz, Under Secretary, Home Department.

Panjim, 19th July, 1966.

Industries and Labour Department

Notification

LC/26/67/1284

In exercise of powers conferred by sub-section 3(b) of Section 1 of the Maternity Benefits Act, 1961 (Act No. 53 of 1961), the Administrator of Goa, Daman and Diu, hereby notifies that the said Act shall come into force in the Union Territory of Goa, Daman and Diu from 1st June, 1967.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. R. Basu, Secretary, Industries and Labour Department.

Panaji, 2nd June, 1967.

LC/26/67

In exercise of the powers conferred by Section 28 of the Maternity Benefit Act, 1961 (Act 53 of 1961) as extended to the Union Territories of Goa, Daman and Diu, the Administrator of Goa, Daman and Diu hereby makes the following Rules the same having been previously published as required by sub-section (1) of the said section 28, namely:

RULES

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Maternity Benefit Rules, 1967.

(2) They shall come into force with immediate effect.

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2. **Definitions.**—In these rules, unless the context otherwise requires:

- (a) the "Act" means the Maternity Benefit Act, 1961 (53 of 1961);
- (b) "Competent Authority" means the Chief Inspector of Factories appointed under Section 8(2) of the Factories Act, 1948;
- (c) "Establishment" means a factory or plantation including any such establishment belonging to Government;
- (d) "Form" means a form appended to these rules;
- (e) "Muster Roll" means a muster roll maintained under rule 3;
- (f) "Registered Medical Practitioner" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;
- (g) "Registered Mid-Wife" means any person duly registered as a mid-wife by the Director of Health Services, Government of Goa, Daman and Diu, under any law for the time being in force regulating the registration of midwives.
- (h) "Section" means a section of the Act;
- (i) All other words and expressions used hereinafter but not defined herein shall have the same meaning as respectively assigned to them in the Act.

3. **Muster Roll.**—(1) The employer of every establishment in which women are employed shall prepare and maintain a muster roll in Form 'A' and shall enter therein particulars of all women workers in the establishment.

(2) All entries in the muster roll shall be made in ink and maintained up-to-date and it shall always be available for inspection by the Inspector during working hours.

(3) The employer may enter in the muster roll such other particulars as may be required for any other purpose of the Act.

4. **Proof.**—(1) The fact that a woman is pregnant or has been delivered of a child or has undergone miscarriage or is suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall be proved by the production of a certificate to that effect—

(a) from a Health Officer or a Medical Officer of the Directorate of Health Services, Government of Goa, Daman and Diu; or

(b) from a registered Medical Practitioner,
The certificate shall be in Form "B".

(2) The fact that a woman has been confined may also be proved by the production of a certified extract from a birth register maintained under the provisions of any law for the time being in force or a certificate signed by a registered midwife.

(3) The fact that a woman has undergone miscarriage may also be proved by the production of a certificate signed by a registered mid-wife.

(4) The fact of death of a woman or a child may be proved by the production of a certificate to that effect in Form 'C' from any of the authorities referred to in sub-rule (1) or by the production of a certified extract from a death register maintained under the provisions of any law for the time being in force.

(5) The certificate from a registered mid-wife shall be in form 'D'.

5. **Payment of maternity and other benefit.**—(1) A woman employed in an establishment entitled to maternity benefit shall give notice to her employer in Form 'E' and the employer shall make payment of the maternity benefit and any other amount due under the Act to the woman concerned, or, in case of her death before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 5, to the person nominated by the woman in her notice in Form 'E' and in case there is no such nominee to her legal representative.

(2) In case of doubt, the maternity benefit or other amount due to a woman employed in an establishment shall be deposited by the employer, within two months of the date of death of the woman concerned with the Competent Authority, who shall after making necessary enquiries, pay it to the person who, in his opinion is entitled to receive it.

(3) Whenever the payment referred to in sub-rule (1) is made, a receipt shall be obtained by the employer in Form 'F' from the person to whom the payment is made. In cases falling under sub-rule (2), a receipt shall be given to the employer by the Competent Authority.

(4) The medical bonus shall be paid along with the second instalment of the maternity benefit.

(5) The maternity benefit or any other amount payable under Section 7 shall be paid within two months of the date of death of the woman entitled to receive such benefit or amount.

(6) The wages payable under section 9 shall be paid to the woman entitled to receive such wages within forty-eight hours of production by her of the certificate in Form 'B' or Form 'D'.

(7) The wages payable under section 10 shall be paid to the woman entitled to receive such wages within forty-eight hours of the expiry of the period of leave referred to in that section.

6. **Break for nursing child.**—Each of the two breaks mentioned in section 11 shall be of 15 minutes duration. An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of journey to and from the creche or the place where the children are left by women while on duty, provided that such extra period shall not be of less than 5 minutes and more than 15 minutes duration. If any dispute arises regarding such extra period, the matter shall be referred to the Competent Authority for decision.

7. **Duties and powers of the Competent Authority and Inspectors.**—(1) The Competent Authority shall be responsible for the administration of these rules throughout the territories to which they extend.

(2) Every Inspector shall discharge his duties within the area assigned to him by the State Govern-

ment and shall act under the supervision and control of the Competent Authority.

(3) Every Inspector shall at each inspection of establishment see:—

- (a) whether due action has been taken on every notice given under section 6;
- (b) whether the Muster Roll prescribed under rule 3 is correctly maintained;
- (c) whether there have any cases of discharge or dismissal or notices of discharge or dismissal in contravention of the provisions of section 12 since the last inspection;
- (d) whether the provisions of sub-section (1) of section 4, sub-sections (5) and (6) of section 6, sections 8, 9, 10, 13 and 19 have been complied with and whether amounts due have been paid within the prescribed time;
- (e) whether there have been any cases of deprival of maternity benefit or medical bonus in contravention of sub-section (2) of section 12; and
- (f) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

(4) Where an Inspector observes irregularities against the Act or these Rules, he shall issue orders in writing to the employer asking the latter to rectify the irregularities within a specified period and to report compliance to the Inspector.

8. Acts which constitute gross misconduct.—The following acts shall constitute gross misconduct for purpose of section 12, namely:—

- (a) wilful destruction of employer's goods or property;
- (b) assaulting any superior or co-employee at the place of work;
- (c) criminal offence involving moral turpitude resulting in conviction in a court of law;
- (d) theft, fraud, or dishonesty in connection with the employer's business or property; and
- (e) wilful non-observance of safety measures or rules on the subject or wilful interference with safety devices or with fire fighting equipment.

9. Appeal under section 12.—(1) An appeal under clause (b) of sub-section (2) of section 12 shall be preferred to the Competent Authority in form 'G'.

(2) The appeal shall be in writing and either handed over personally or sent under registered post to the Competent Authority.

(3) When an appeal is received, the Competent Authority shall furnish a copy of the memorandum of appeal to the employer, call for his reply thereto and also ask him to produce documents connected with the issue of the appeal by a fixed date. The Competent Authority may ascertain further details if necessary, from the employer as well as from the woman. On considering the facts presented to him and ascertained by him the Competent Authority shall

give his decision. In case the employer fails to submit his reply or produce the required documents within the specified period, the Competent Authority may give his decision ex parte.

10. Complaint under Section 17.—(1) A complaint under sub-section (1) of section 17 shall be made in writing in form 'H' or 'I', as the case may be.

(2) When a complaint referred to in section 17 is received by an Inspector, he shall examine the relevant records maintained by the employer in his behalf; examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 7, as the case may be, immediately or within a specified period.

11. Appeal under Section 17.—(1) An appeal against the decision of the Inspector under sub-section (2) of section 17, shall be to the Competent Authority.

(2) The aggrieved person shall prefer an appeal in writing to the Competent Authority in form 'J' and the other supporting documents.

(3) When an appeal is received, the Competent Authority shall call from the Inspector before a fixed date, the record of the case. The Competent Authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector and seek clarification if any is required.

(4) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the Competent Authority shall give his decision.

12. Supply of forms.—The employer shall supply to every woman employed by him at her request free of cost copies of forms 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I'.

13. Non-submission of notices, appeals or complaints in the prescribed forms.—Nothing in rules 5, 9 and 10 shall affect the right of a woman entitled to receive maternity benefit or any other amount due under the Act if she fails to submit a notice, appeal or complaint under the said rules, as the case may be, in a prescribed form.

Provided that where a notice, appeal or complaint under the said rules has been submitted by a woman entitled to receive maternity benefit or any other amount due under the Act in a form other than the prescribed form, the authority concerned may, within 15 days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint, as the case may be, in the prescribed form.

14. Records.—Records kept under the provisions of the Act and these Rules shall be preserved for a period of two years from the date of their preparation.

15. Abstract.—The abstract of the provisions of the Act and these rules required to be exhibited under section 19 shall be in Form 'K' and shall be

exhibited in such manner as the Competent Authority may require.

16. Annual returns. — (1) The employer of every establishment shall on or before the 21st day of January in each year submit to the Competent Authority a return in each of the Forms 'L', 'M', 'N', and 'O' giving information as to the particulars specified in respect of the preceding year.

(2) If the employer of an establishment to which the Act applies sells, abandons or discontinues the working of the date of sale or abandonment or four months of the date of discontinuance, as the case may be, submit to the Competent Authority a further return in each of the said forms in respect of the period between the end of the preceding year and the date of sale, abandonment or discontinuance.

FORM A

(See Rule 3)

Muster Roll

Name of establishment ...

1. Serial Number.
2. Name of woman and her father's (or, if married, husband's) name.
3. Date of appointment.
4. Nature of work.
5. Dates with month and year in which she is employed, laid off and not employed.

Month	No. of days employed	No. of days laid off	No. of days not employed	Remarks
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6. Date on which the woman gives notice under section 6.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 6.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/death.
11. Date of production of proof of illness referred to in section 10.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under section 8.
15. Date with the amount of wages paid on account of leave under section 9.
16. Date with the amount of wages paid on account of leave under section 10 and period of leave granted.
17. Name of the person nominated by the woman under section 6.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefit and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the muster roll.
21. Remarks column for the use of the Inspector.

FORM B

[See rule 4(1)]

This is to certify that I examined ... wife/daughter of ... a woman employee in ... (name of establishment) on ... (date) and found/cannot discover that she is pregnant and is expected to be delivered of a child within (month and/days) from the above mentioned date/has undergone miscarriage/has been delivered of a child on ... (date) or is suffering from ... (date) from illness arising out of pregnancy/delivery/permatute birth of a child or miscarriage.

Signature, qualifications and designation of Registered Medical Practitioner.

Date ...

Definitions of «child» and «miscarriage» as in the Maternity Benefit Act, 1961 —

1. «Child» includes a still-born child.
2. «Miscarriage» means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM C

[See rule 4(4)]

This is to certify that Smt. ... wife/daughter of ... employed in ... (name of establishment) expired on ... before/ during/after confinement. The child died on .../ survives her.

Signature, qualifications and designation of Registered Medical Practitioner.

Date ...

FORM D

[See rule 4(5)]

This is to certify that I examined ... wife/daughter of ... a woman employee in ... (name of establishment) and found that she has been delivered of a child/has undergone miscarriage on ... (date).

Signature of registered midwife.

Date ...

Definitions of «child» and «miscarriage» as in the Maternity Benefit Act,

1. «Child» includes a still-born child.
2. «Miscarriage» means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM E

[See rule 5(1)]

Notice under section 6 of the Maternity Benefit Act, 1961 ... (name of establishment).

I, ... (name of woman) wife/daughter of ... employed as ... at ... (name of establishment), hereby give notice that I expect to be confined within six weeks next following from the date of this notice/have given birth to a child on ... (date) and shall be absent from work from ... (date). I shall not work in any establishment during the period for which I receive maternity benefit.

2. For the purpose of section 7, I hereby nominate ... (here enter name and address of the nominee) to receive maternity benefit and/or any other amount due to me under the Act in case of my death.

Signature of an Attestor in case the woman is not able to sign and affixes thumb impression.

Signature or thumb impression of woman.

Date ...

FORM F

[See rule 5(3)]

Form of receipt of Maternity Benefit

To

... (name of establishment)

I, ... the undersigned, a woman employee/nominee of ... woman employee/legal representative of ... woman employee deceased in ... (name of establishment) at ... in ..., district received maternity benefit and/or other amount due under the Maternity Benefit Act, 1961, from the employer of the establishment referred to above, as detailed below:—

Rs. ..., being the first instalment of maternity benefit paid on ...

Rs. ..., being the second instalment of maternity benefit after delivery paid on ...

Rs. ..., being the medical bonus under section of the Act paid on ...

Rs. ..., being the wages for the leave period from ... to ... mentioned under section 9 or 10.

*My/Her confinement/miscarriage took place on ... I/She fell ill because of pregnancy, delivery, premature birth of a child or miscarriage on ... In consequence I ... her nominee/legal representative have received the aforesaid amounts prescribed in sections 5, 8, 9 and 10 of the Maternity Benefit Act, 1961.

Signature or thumb impression of ...

*Woman employee or her nominee or legal representative.

Signature of an attester in case the woman is not able to sign and affixes thumb impression.

Date ...

*Strike out unnecessary portion.

FORM G

(See rule 9)

To

The Competent Authority
appointed under the Maternity Benefit Act, 1961
... (Address).

Sir, . . .

I, ..., the undersigned, woman employee of ... (name of establishment and full address), having been wrongly deprived by the employer of maternity benefit or medical bonus or both (strike out unnecessary portion) for the reasons attached hereto, prefer this appeal under sub-section (2) of section 12 and request that the said employer be ordered to pay the above-mentioned amount to me. A copy of the order of the employer in this behalf is enclosed.

Signature or thumb impression
of the woman.

Date ...

Signature of an Attester in
case the woman is not able
to sign and affixes thumb
impression.

Full address of the nominee/
legal representative.

FORM H

(See rule 10)

To

The Inspector,

(Under the Maternity Benefit Act, 1961)

Sir,

I, ... (name of woman) employed in ... (name and full address of establishment) having fulfilled the conditions laid down in the Maternity Benefit Act, 1961 and the Rules thereunder am entitled to Rs. ... being maternity benefit and/or Rs. ... being the medical bonus and/or Rs. ... being

wages for leave due under section 9 or 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.

Signature or thumb impression
of the woman.

Date ...

Signature of an Attester in
case the woman is unable
to sign and affixes thumb
impression.

Full address of the woman.

Date ...

Strike out unnecessary portion.

FORM I

(See rule 10)

To

The Inspector,

(Under the Maternity Benefit Act, 1961)

I, ... (name), a person nominated under section 6 by or a legal representative of ... (name of woman) employed in ... (name and full address of establishment) have to complain that the said woman having fulfilled the conditions laid down in the Maternity Benefit Act, 1961 and the Rules thereunder is entitled to Rs. ... being maternity benefit and/or Rs. ... being the medical bonus and/or Rs. ... being wages for leave due under section 9 or 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.

Signature or thumb impression
of the nominee/legal repre-
sentative.

Date ...

Signature of an attester
in case the nominee/legal
representative is unable to
sign and affixes thumb im-
pression.

Date ...

Full address of the nominee/
legal representative.

FORM J

(See rule 11)

To

Sir,

Shri ... Inspector, having directed under sub-section (2) of section 17 to pay the Maternity Benefit or other amount being ... (nature of amount) to which ... (name of woman) is said to be entitled. I prefer this appeal under sub-section (3) of section 17. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the decision of the Inspector in this behalf, copy of which is enclosed, may be set aside.

Signature of aggrieved person.

Full address ...

Date ...

FORM K

(See rule 15)

(Abstract of the Maternity Benefit Act, 1961,
and the rules made thereunder).

1. No employer shall knowingly employ a woman during the six weeks immediately following the day of her delivery or miscarriage and no woman shall work in any establishment during the said period.

2. No pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do during the period of one month immediately preceding the period of six weeks before the date of her expected delivery and

also for any period during this period of six weeks for which she does not avail of leave of absence, any work which is of an arduous nature or which involves long hours of standing, or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.

3. (1) Subject to the provisions of the Act, every woman who has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than one hundred and sixty days, including the days during which she was laid off, shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her average daily wages, or one rupee a day, whichever is higher, for the period of her actual absence not exceeding six weeks immediately preceding and including the day of her delivery and for the six weeks immediately following that day:

Provided that the qualifying period of one hundred and sixty days aforesaid shall not apply to a woman who has immigrated into the State of Assam, and was pregnant at the time of the immigration:

Provided further that where a woman dies during the period for which maternity benefit is payable to her, the benefit shall be payable only for the days upto and including the day of her death. However, where the woman having been delivered of a child, dies during her delivery or during the period of six weeks immediately following the date of her delivery, leaving behind in either case the child, the employer shall be liable for the payment of maternity benefit for the entire period of six weeks immediately following the day of her delivery but if the child also dies during the said period, then, for the days upto and including the day of the death of the child.

(2) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of a certificate in form 'B' stating that she is pregnant and is expected to be delivered of a child within six weeks of the date of production of the certificate, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of the certificate in form 'B' or form 'D' stating that she has been delivered of a child or production of a certified extract from a birth Register maintained under the provisions of any law for the time being in force.

4. (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act may give notice in writing in form 'E', to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

(2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.

(3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.

(4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment until the expiry of six weeks after the day of her delivery.

5. (1) Every woman entitled to maternity benefit under the Act shall also be entitled to receive from her employer a medical bonus of twenty-five rupees, if no pre-natal, confinement and post-natal care is provided for by the employer free of charge. The medical bonus shall be paid along with the second instalment of the maternity benefit.

(2) In case of miscarriage, a woman shall, on production of a certificate in Form 'B' or Form 'D' be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage. The wages shall be paid within 48 hours of production of the certificate in Form 'B' or Form 'D'.

(3) A woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall, on production of a certificate in Form 'B', be entitled, in addition to the period of absence allowed to her on account of maternity or miscarriage, as the case may be, to leave with wages at the rate of maternity benefit for a maximum period of one month. The wages for the leave period shall be paid within 48 hours of the expiry of that period.

6. Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of 15 minutes duration for nursing the child until the child attains the age of fifteen months. An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of the journey to and from the creche or the place where the children are left by women while in duty, provided that such extra period shall not be less than 5 minutes and more than 15 minutes duration.

7. (1) When a woman absents herself from work in accordance with the provisions of the Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

(2) (a) The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus shall not have the effect of depriving her of the maternity benefit or medical bonus.

Provided that where the dismissal is for one or more of the following acts, the employer may, by order in writing communicated to the woman, deprive her of the maternity benefit or medical bonus or both:—

- (i) wilful destruction of employer's goods or property;
- (ii) assaulting any superior or co-employee at the place of work;
- (iii) criminal offence involving moral turpitude resulting in conviction in a court of law;
- (iv) theft, fraud, or dishonesty in connection with the employer's business or property; and
- (v) wilful non-observance of safety measures or rules on the subject or wilful interference with safety devices or with fire-fighting equipment.

(b) Any woman deprived of maternity benefit or medical bonus or both, may within sixty days from the date on which the order of such deprivation is communicated to her, appeal in Form 'G' to the Chief Inspector of Factories and the decision of the Chief Inspector of Factories on such appeal whether the woman should or should not be deprived of maternity benefit or medical bonus or both, shall be final.

8. If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of the Act, she shall forfeit her claim to the maternity benefit for such period.

9. (1) Any woman claiming that maternity benefit or any other amount to which she is entitled under the Act and any person claiming that payment due has been improperly withheld may make a complaint to the Inspector in writing in Form 'H' or 'I' as the case may be.

(2) The Inspector may, of his own motion or on receipt of a complaint in Form 'H' or 'I' make an inquiry or cause an enquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders.

(3) Any person aggrieved by the decision of the Inspector may, within thirty days from the date on which such decision is communicated to such person, appeal to the Chief Inspector of Factories.

(4) The decision of the Chief Inspector of Factories where an appeal has been preferred to him or of the Inspector where no such appeal has been preferred, shall be final.

10. (a) The employer shall supply to every woman employed by him at her request free of cost copies of forms 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I'.

(b) The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of a woman entitled to receive maternity benefit or any other amount due under the Act. Where a notice, appeal or complaint has been received in a form other than the prescribed form, the authority concerned shall within fifteen days or the receipt of such notice, appeal or complaint, require the woman to submit the notice, appeal or complaint, as the case may be in the prescribed form.

11. (a) The employer of every establishment in which women are employed shall prepare and maintain a muster roll in Form 'A' and shall enter therein particulars of all women workers in the establishment.

(2) All entries in the muster roll shall be made in ink and maintained up-to-date and it shall always be available for inspection by the Inspector during working hours.

(b) The employer of every establishment shall on or before the 21st day of January in each year submit to the Chief Inspector of Factories a return in each of the Form 'L', 'M', 'N' and 'O' giving information as to the particulars specified in respect of the preceding year.

FORM L

(See rule 16)

Annual return for the year ending on the 31st December, 19

1. Name of the establishment.
2. Full Postal address of the establishment.
3. Date of starting of the establishment.
4. Date of closing, if closed.
5. Name of employer.
Postal address of employer.
6. Name of managing agent, if any.
Postal address of managing agent.
7. Name of Agent or representative of employer.
Postal address of representative of employer.
8. Name of Manager.
Postal address of manager.
9. If there is any medical officer, attached to the establishment has
 - a) name
 - b) qualification
 - c) address

Signature of employer

Date

FORM M

(See rule 16)

Employment, dismissal, payment of bonus, etc. of women for the year ending on 31st December, 19...

1. Establishment.
2. Aggregate number of women permanently or temporarily employed during the year.
3. Number of women who worked for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of delivery.
4. Number of women who gave notice under section 6.
5. Number of women who were granted permission to absent on receipt of notice of confinement.
6. Number of claims for maternity benefit paid.
7. Number of claims for maternity benefit rejected.
8. Number of cases where prenatal, confinement and postnatal care was provided by the management free of charge (section 8)
9. Number of claims for medical bonus paid (section 8).
10. Number of claims for medical bonus rejected.
11. Number of cases in which leave for miscarriage was granted.
12. Number of cases in which leave for miscarriage was applied for but was rejected.
13. Number of cases in which additional leave for illness under section 10 was granted.
14. Number of cases in which additional leave for illness under section 10 was applied for but was rejected.
15. Number of women who died:
 - (a) before delivery.
 - (b) after delivery.
16. Number of cases in which payment was made to persons other than the women concerned.
17. Number of women discharged or dismissed while working.
18. Number of women deprived of maternity benefit and/or medical bonus under proviso to sub-section (2) of section 12.
19. Number of cases in which payment was made on the order of the Competent Authority or Inspector.
20. Remarks.

N. B. — Full particulars of each case and reasons for the action taken under serials 7, 10, 12, 14, 17 and 18 should be given in the Appendix below:

Signature of employer

Date

FORM N

(See rule 16)

Details of payment made during the year ending 31st December, 19...

- | Name of person to whom paid | Amount paid |
|------------------------------------------------------------------------------------------------------|-------------|
| 1. Date of payment. | |
| 2. Woman employee. | |
| 3. Nominee of the woman. | |
| 4. Legal representative of the workman. | |
| 5. Amount for the period preceding date of expected delivery. | |
| 6. Amount for the subsequent period. | |
| 7. Under section 8 of the Act. | |
| 8. Under section 9 of the Act. | |
| 9. Under section 10 of the Act. | |
| 10. Number of women workers who absconded after receiving the first instalment of maternity benefit. | |
| 11. Cases where claims were contested in a court of law. | |
| 12. Results of such cases. | |
| 13. Remarks. | |

Signature of employer

Date

FORM O

(See rule 16)

Prosecution during the year ending 31st December, 19...

Place of employment of the woman employee	Number of cases instituted	Number of cases which resulted in conviction	Remarks
-------------------------------------------	----------------------------	----------------------------------------------	---------

(For establishment)

N. B. — Reasons for prosecution should be given in full in the Appendix below:

Signature of employer

Date ... 19

By order and in the name of the Administrator of Goa, Daman and Diu.

B. R. Basu, Secretary, Industries & Labour Department.

Panaji, 2nd June, 1967.

Mormugao Port Trust

Notification

MPT/8-GA(4)/67

As required under Section 124 of the Major Port Trusts Act, 1963, the following Regulations which have been adopted by the Board of Trustees are hereby published:

Draft Medical Attendance Regulations

I General

1. (i) These regulations may be called the Mormugao Port Employees (Medical Attendance) Regulations, 1967.

(ii) They shall come into force from the 1st day of the month following the date of sanction of the Central Government.

2. They shall apply to all employees of the Board and their families as defined hereunder.

3. Definition: In these regulations, unless there is anything repugnant in the subject or context. —

(a) «Authorised Medical Attendant» means any Doctor of the Board.

(b) «Board» and «Chairman» shall have the meaning assigned to them in the Major Port Trust Act, 1963.

(c) «Employee» means an employee of the Board and includes:

- (i) all employees who are on leave preparatory to retirement or on refused leave taken immediately after the date of compulsory retirement or on the expiry of an extension of service;
- (ii) re-employed employees;
- (iii) employees on terminal leave;
- (iv) employees on deputation with the Board;
- (v) apprentices who are in whole time service of the Board;
- (vi) probationers;
- (vii) daily rated and casual labour other than labour employed through contractors, when injured on duty.

but does NOT include;

- (viii) retired Board employees;
- (ix) daily rated and casual labour except as provided in (vii) above;
- (x) labour employed through contractors.

Exception: Daily rated and casual labour, other than labour employed through contractors, who have been in continuous service for six months shall be entitled to medical attendance/treatment to the extent that facilities and medicines are available in the Board's Hospital/Dispensary.

Note: 1. The term «continuous service» includes weekly day of rest, paid holidays and authorised absence.

Note: 2. The extent of medical relief to be provided to the employees who may be abroad either on leave or on deputation will be regulated by specific orders of the Board to be obtained in each case.

(d) «Family» means an employee's wife or husband as the case may be, and parents (including step-parents), children (including legally adopted children) and step-children, widowed daughters, unmarried or widowed sisters or step-sisters, provided the father is not alive, and brothers or step-brothers under 21 years of age, provided the father is not alive, if residing with and wholly dependant on the employee, but does NOT include the family of daily rated and casual labour or of the labour employed through a contractor.

Note: 1. The condition of residence and dependency applies only to the members other than wife/husband as the case may be.

Note: 2. The husband or wife of an employee as the case may be employed in a Central or State Government Department or in a Corporation/Under-taking/Bodies financed partly or wholly by the Central or the State Government, local bodies and private organisations, which provide medical services would be entitled to choose either the facilities provided under these regulations or the medical facilities provided by the organisations in which he/she is employed.

Note: 3. In a case where both husband and wife are employees of the Board they as well as their eligible dependants may be allowed to avail of the medical concessions according to his/her status.

Note: 4. Unmarried sons and daughters of an employee who are gainfully employed and are not wholly dependant on him/her are not eligible for the medical concession under these regulations.

(e) «Geographical limits» means Mormugao Harbour (inclusive of Headland) and Vasco da Gama (inclusive of Vaddem) and other neighbouring areas not beyond 8 kilometers from the Port Hospital by road.

(f) «Government Hospital» includes all hospitals recognised by the State Government for medical attendance and for treatment of their employees and/or members of their families.

(g) «Medical Attendance» means attendance in hospital or at the residence of the employees including such pathological, bacteriological, radiological, cardiological or other methods of examination for the purpose of diagnosis and such consultation with a specialist as may be considered necessary by the Medical Officer.

(h) «Medical Officer» means the Medical Officer of the Board.

(i) «Patient» means an employee and/or his family to whom these regulations apply and who has fallen ill.

(j) «Private Doctor» and «Private Hospital» means a registered medical practitioner/hospital other than the Board's doctors/hospital.

(k) «Treatment» means the use of all medical and surgical facilities available at the hospital/dispensary in which the patient is treated and includes:

(i) the employment of such pathological, bacteriological, radiological, cardiological or other methods as are considered necessary by the authorised medical attendant;

(ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital;

(iii) the supply of such medicines, vaccines, sera or other therapeutic substances not ordinarily so available as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient;

(iv) such accommodation as is ordinarily provided in the hospital as is suited to his status;

(v) such nursing as is ordinarily provided to in-patients by the hospital;

(vi) the specialist consultation described in sub-regulation (g) but does not include diet or provision at the request of the patient of accommodation superior to that described in sub-regulation (iv) above;

(vii) Confinement of a female employee and in the case of a male employee of his wife subject to the condition that the Board's financial liability, in this regard, will be limited to any three confinements during the entire service of the employee concerned, provided further that no reimbursement will be admissible to any employee who has three or more children.

4. A patient shall be entitled, free of charge to medical attendance by the authorised medical attendant.

5. (i) When the place at which a patient falls ill is not within the geographical limits of the Board's Hospital/Dispensary the patient shall be entitled to travelling allowance for the journey to and from the place of treatment, provided the distance travelled exceeds 8 Kms. each way, and provided further that no T. A. will be admissible if the patient seeks medical attendance and treatment from a private doctor or in a private hospital, nursing home etc. on his/her own accord.

(ii) Applications for travelling allowance under sub-regulation (i) shall be accompanied by a certificate in writing by the Doctor in charge of the case stating that medical attendance was necessary.

6. (1) With the prior approval in writing of the Medical Officer a patient may be referred to a specialist or other Doctor if

(a) in his opinion such medical attendance is required for the patient; or

(b) if the patient is too ill to travel, summon such specialist or other Doctor to attend upon the patient.

(2) A patient sent under clause (a) of sub-regulation (1) shall, on production of a certificate in writing by the Medical Officer in this behalf, be entitled to travelling allowance for the journeys to and from the headquarters of the specialist or other Doctor.

7. A patient shall be entitled free of charge to treatment in the Board's hospital/dispensary.

II Diet charges

8. Notwithstanding anything contained in these regulations, a patient hospitalised in the Board's Hospital shall be charged on account of diet supplied as under:—

Basic pay upto Rs. 300/- per month.	Nil
—do— from Rs. 301/- to 500/- p. m.	
Rs. 1-50 Ps. per day.	
—do— from Rs. 501/- and above p. m.	
Rs. 2-50 Ps. per day.	

III Visits

9. An employee or a member of his family who, due to the severity of his illness, is unable to come personally to the Board's Hospital/Dispensary for the necessary medical attendance and treatment, may request the Authorised Medical Attendant, if available, to attend on him at his residence. No fees or other charges shall be chargeable.

10. The right of calling to his residence the Authorised Medical Attendant under regulation 9 above

is not available to an employee living beyond the geographical limits of the Board's Hospital/Dispensary.

11. In all cases of minor ailments or where they are not too ill to travel, the patients must personally attend at the Board's Hospital/Dispensary for the necessary medical attendance and treatment.

IV Reimbursement of cost of medicines etc.

12. All medicines prescribed by the Authorised Medical Attendant or by Specialists consulted on the advice of the Medical Officer shall be supplied free of cost from the Board's Hospital/Dispensary. If any medicines, vaccines, sera, injectiles or other therapeutical substances are not available at the Board's Hospital/Dispensary, the same may be either purchased by the employee at his own cost and he shall subsequently be reimbursed the cost on the certification of the Authorised Medical Attendant or may be obtained by him from the pharmacies at Vasco da Gama against requisitions issued by the Authorised Medical Attendant.

Note: (1) The refund of the cost of preparations which are not medicines but are primarily foods, tonics, toilet preparations or disinfectants is NOT admissible under these regulations.

For this purpose the orders issued from time to time by the Director General of Health Services, New Delhi, shall be followed from the date it is notified by the Board.

Note: (2) Sales Tax paid by an employee while purchasing special medicines from the market is refundable. Packing and postage charges are also refundable.

13. In the case of patients suffering from diabetes, refund in respect of the cost of any anti-diabetic drug, viz. Insulin, Nadisan Tablet, Talbutamide etc. and the expenditure incurred on administration thereof shall not be allowed except in cases where it is prescribed in the initial stage of the disease or when the patient develops some complications and is hospitalised.

Note: The term «initial stage of the disease» means «within a period of three months after detection of the disease».

Cases of treatment (other than hospitalisation) for recurrence of the disease beyond the initial stage may be considered by the Chairman as a special case depending on the merits of each case and advice tendered by the Medical Officer.

14. The fees paid by an employee to a specialist or consultant in terms of regulation 6(1) above shall be reimbursed by the Board.

15. (1) An employee or a member of his family suffering from an illness for which facilities for proper diagnosis or suitable treatment are not available at the Board's Hospital/Dispensary or cannot be provided by the Board's Medical Department will be entitled to seek the necessary attendance and treatment as either an out-patient or an in-patient at a Government Hospital, if so advised by the Medical Officer, in which case, the hospital fees and charges will be borne by the Board in full.

(2) An employee, who lives or happens to be beyond the geographical limits of the Board's Hospital/Dispensary or an ailing member of such an employee's family, shall place himself or such member of his family under treatment of the nearest Government Hospital without the prior approval of the Medical Officer and he shall in such cases be reimbursed the cost of such attendance and treatment in full.

Note: (1) The liability of the Board to reimburse employees undergoing treatment at a Government Hospital, their expenses to the extent mentioned in this regulation, will be limited to the fees and charges levied by the hospital for medical attendance, medicines, laboratory and other investigations, X-Ray examinations, surgical operations and normal nursing. The cost of special nursing, tonics and restoratives shall be borne by the employee himself. If, in connection with such hospital treatment, an employee is required to purchase any medicines, injectiles, etc. which are not available at the hospital, he shall be reimbursed the cost of such medicines, injectiles, etc. subject to his producing a certificate, duly signed by the Doctor-in-charge of the case. The cost of diet shall be reimbursed to the extent the amount actually paid exceeds the limits prescribed in regulation 8 above.

Explanation 1. Where the diet charges are not separately indicated 20% of the hospitalisation charges shall be reckoned as diet charges and reimbursement regulated according to Note (1) below regulation 15(2) above.

Explanation 2. Hospital treatment referred to in the above regulation does not include treatment undergone in a private hospital or nursing home, a nursing home attached to a Government hospital, nor shall it include treatment in a sanatorium for tubercular patients or other specialised institutions.

Note: 2. In advising under regulation 15 above, to an employee undergoing treatment at a hospital in which different classes of accommodation are provided, the Medical Officer of the Board shall indicate the particular class to which the employee is entitled, the reimbursement of hospital fees and charges being made on the basis of the class approved by the Medical Officer.

Note: 3. The bill of the hospital in the cases mentioned in regulation 15 above shall be sent by the employee to the Medical Officer of the Board who shall scrutinise it and certify thereon the amount payable by the Board. In scrutinising such bills the Medical Officer shall have the power to disallow any items which he may consider as falling under the category of special nursing, extra diet, tonics, restorative, etc.

16. If in the opinion of the Medical Officer it is necessary for an employee or a member of his family to be admitted to a private hospital or nursing home or a nursing home attached to a Government Hospital, he may send the patient to such private hospital or nursing home and the Board shall pay the cost of such treatment. Should consultation with a Specialist be considered necessary by the Doctor in charge of the case he shall arrange for such consultation and the fees of the Consultant or Specialist shall be payable by the Board. Similarly, should it

be necessary to summon a Surgeon and an Anaesthetist to perform an operation on the patient, the fees of such Surgeon and Anaesthetist together with the incidental expenses including charges levied by the private hospital or nursing home for the use of its operation theatre shall be borne by the Board provided further that the liability of the Board in such cases shall be limited as prescribed in Note (1) below regulation 15(2) above. The cost of special nursing, special diet, tonics and restoratives shall, however, be borne by the employee himself.

The procedure for the submission of bills for reimbursement will be the same as prescribed in Note (3) below regulation 15 above.

17. Except as provided in regulation 16 above, the cost of medical attendance and treatment received in a private hospital, nursing home etc. shall not be reimbursed; provided that in emergent circumstances and due to severity of the ailment, where medical attendance and treatment have been received from a private doctor or in a private hospital due to the non-existence of any Government Hospital within a reasonable distance from the place where the patient fell ill, the Chairman may authorise the reimbursement of the cost of such treatment incurred by the patient a sum equivalent to the cost of such treatment as he would have been entitled free of charge, to receive under these regulations if he had not been treated by such private doctor or in such private hospital, nursing home etc.

18. Reimbursement of charges incurred on treatment for immunising and prophylactic purposes in a Government Hospital in the case of communicable diseases viz. (1) Cholera, (2) Typhoid group of fevers (TAB), (3) Plague, (4) Diphtheria, (5) Whooping Cough (6) Tetanus and (7) Polio shall be allowed to an employee and members of his/her family provided that the local authorities such as Municipalities, local boards, etc. have no arrangements for providing such treatment, and a certificate to this effect is endorsed by the Authorised Medical Attendant on the claim for reimbursement of such expenses.

19. The cost of vaccination, inoculations and injections for prophylactic and immunising purposes before commencement of international travel by employees and their families in order to procure health certificates required under international travel regulations shall be reimbursed to him/them provided they are travelling on duty or on authorised leave in circumstances in which they are entitled to fares at the Board's expense.

20. Expenses incurred on dental treatment whether obtained at a Government hospital or by a private dentist shall not be reimbursed under any circumstances whatsoever even if it is had on the advice of the Authorised Medical Attendant, but if the diagnosis of the physiological or other disability from which an employee and/or a member of his family is suffering indicates that teeth are the real/source of disturbance, he shall be entitled to reimbursement of the cost of treatment, provided it is of a «major» kind and it is received in a Government Hospital.

Explanation:

The term «major kind» means treatment of a jaw-bone disease, wholesale removal of teeth, sur-

gical operations needed for removal of odontocyes and impacted wisdom-tooth and treatment of gum boils (surgery of the mouth) but does not include filling or scaling of teeth, or supply of artificial denture or treatment of pyorrhoea of teeth and gin-givitis.

21. (a) Employees may have their eyesight tested for glasses at a Government Hospital on the recommendation of the Medical Officer. Fees paid to the Specialist for such services will be reimbursed according to the scheduled rates prescribed by the local Government. This concession does not include the provision of spectacles at the Board's expense.

(b) Treatment by a private oculist is not admissible under any circumstances whatsoever even if it is had on the advice of the authorised medical attendant.

(c) Families of employees are not entitled to the concession contained in this regulation in any circumstances.

22. Expenditure incurred by an employee or a member of his family on treatment for «venereal diseases» and «delirium tremens» shall not be reimbursed in any circumstances.

23. (1) Reimbursement of expenditure incurred on pre-natal and post-natal treatment of the wife of an employee or a female employee shall be allowed in the same way as treatment for any other disease.

Explanation:

The term «pre-natal» and post-natal» treatment, means treatment received before and after child-birth or abortion/miscarriage for physiological or other disability attributable to child-bearing or child-birth.

(2) Cottage booking fee, admission fee, dhobi charges and charges for an ayah are not refundable but anaesthetic fees are refundable under these regulations.

24. Expenses incurred in connection with an operation for sterilisation and/or loop insertion are refundable.

25. The cost of confinement charges at the residence of the employee concerned shall be reimbursed provided the delivery is conducted by the staff of Child Welfare and Maternity Centres or similar institution maintained by Government or local bodies. Reimbursement in such cases shall be admissible according to the scheduled rates of such centres.

V Ambulance charges

26. The Board's ambulance shall be supplied free to convey non-ambulatory and emergent cases from the residence or place of work of the employee to the Board's hospital/dispensary or to the nearest Government Hospital, or from the Board's hospital/dispensary to the nearest Government Hospital, as may be recommended by the authorised medical attendant.

27. The Board's ambulance shall not be available to convey an employee or a member of his family from hospital/dispensary to his residence, except when recommended by the Medical Officer.

28. An employee shall be entitled to reimbursement of charges paid for an ambulance used for his

conveyance or the conveyance of members of his family, subject to the following conditions:

(i) if it is certified in writing by the attending Medical Officer that the conveyance of the patient by any other means of conveyance would have endangered the life of the patient or would have seriously aggravated the condition of his/her health;

(ii) if the ambulance is used to convey a patient to a place of treatment or to convey a patient from one hospital to another for purposes of certain medical examination, etc. and

(iii) if the ambulance used belongs to Government or a local fund, or a social service organisation such as the Red Cross Society, etc.

Note — The ambulance charges incurred by an employee are not refundable when the ambulance is required to convey the patient from the hospital to the residence except when recommended by the Medical Officer.

VI Special diseases

A Tuberculosis:

29 (i) An employee or a member of his family suffering from tuberculosis shall be entitled to consult any Government specialist in tuberculosis diseases or if such a specialist is not available any other specialist in T.B. diseases recognised as such by the Central/State Government for their employees or as recommended by the authorised medical attendant.

(ii) The fees paid to such specialists for consultations shall be reimbursed to the employee.

30. If such Specialist in T.B. diseases certifies that treatment in a T.B. Sanatorium is necessary the employee or the member of his family shall be entitled to treatment at a recognised Sanatorium or T.B. Institution irrespective of its place of location which can, in the opinion of the T.B. Specialist, provide the necessary and suitable treatment and where accommodation is available. In other cases, in which, in the opinion of the T.B. Specialist, the patient concerned does not require treatment in a T.B. Sanatorium, he shall be entitled to receive treatment in a hospital within the State which can provide the necessary treatment.

31. A patient suffering from T.B. who fails to get accommodation in a recognised T.B. Institution or for whom treatment as an in-patient in a Government Hospital and/or a recognised T.B. Institution is *NOT* considered necessary, may be allowed to receive treatment: —

i) at the out-patient department of a Government Hospital and/or a recognised T.B. Institution at or near the place where he fell ill;

ii) at the Consulting Room of the T.B. Specialist.

Provided that: —

i) treatment at the out-patient department of a Government Hospital and/or a recognised T.B. Institution or at the consulting room of the Government and/or recognised T.B. Specialist or the Specialist recognised as such by the Central/State Governments or the Specialist recommended by the Authorised Medical Attendant;

ii) a certificate, signed by the said specialist is submitted to the effect that the patient was advised

to receive treatment as an out-door patient/at the consulting room of the T.B. Specialist as he/she failed to get necessary accommodation at the recognised T.B. Institution or treatment as an in-patient in a recognised T.B. Institution was not considered necessary;

iii) a certificate from the Authorised Medical Attendant and/or the Government recognised T.B. Specialist or the T.B. Specialist recommended by the Authorised Medical Attendant is submitted to the effect that the patient has reasonable chances of recovery if treated otherwise than as an in-patient in a recognised T.B. Institution.

Note: The cost of medicines shall be reimbursed in full if otherwise admissible under these regulations. The cost of medicines will include the cost of drugs injected, but not the professional fees for administering the injections.

32. A T.B. patient, who has undergone treatment in a recognised T.B. Sanatorium as provided for in these regulations and who is advised by the Medical Superintendent of the Sanatorium to continue certain treatment or check ups after his/her discharge from the Sanatorium or when he/she gets a relapse, may consult and receive treatment directly from a Government and/or a recognised T.B. Specialist, without consulting the Authorised Medical Attendant.

33. The reimbursement of medical expenses incurred by an employee for follow-up treatment shall be allowed in the same manner and subject to the same general conditions/restrictions prescribed for treatment of T. B. otherwise than as an in-patient.

34. Reimbursement of medical expenses incurred on further treatment for T. B. either as an in-patient or as an out-patient or at the consulting room of the Authorised Medical Attendant/Specialist shall be admissible, provided that such further treatment has been advised during the course of follow-up treatment and received by the patient in accordance with the orders in force regarding treatment of tuberculosis, to the extent and subject to the conditions laid down in these regulations.

35. The grant of travelling allowance in connection with treatment including post-treatment, checkup for T.B. received in recognised sanatorium shall be regulated as follows:—

The outward journey shall be deemed to have commenced from which the patient actually travels, whichever is nearer to the Sanatorium. Similarly, the return journey will be deemed to have ended at the headquarters or at the place to which the patient actually travels whichever is nearer.

B Cancer:

36. (1) An employee or a member of his family may receive treatment for cancer, at the nearest recognised hospital providing such treatment, subject to the condition that such treatment is recommended by the Medical Officer.

(2) If the Medical Superintendent of the recognised hospital to whom the patient was sent by the Medical Officer recommends that special treatment at the Tata Memorial Hospital Bombay, or at the Cancer Institute, Madras, or a similar other centre

in India is necessary, such a patient may also receive treatment at those centres.

Note: «Recognised Hospital» for the purpose of this Section means any hospital recognised for this purpose by the Central/State Governments.

37. An employee or a member of his family suffering from cancer who is sent to a recognised hospital for treatment under the advice of the Medical Officer or by the Medical Superintendent of the recognised hospital to the hospital for specialised treatment shall be entitled to travelling allowance for the outward and return journey as laid down in Regulation 35.

38. The concessions allowed to an employee and for members of his family for treatment of cancer shall also be deemed to be applicable in the case of Hodgkin's disease and «Leukaemia».

C Poliomyelitis:

39. (1) An employee or a member of his family suffering from Poliomyelitis may receive treatment at the nearest recognised hospital providing such treatment (even if it falls outside the State in which the patient falls ill) subject to the condition that such treatment is recommended by the Medical Officer.

(2) If the Medical Superintendent of the recognised hospital recommends that specialised treatment at the Children's Orthopaedic Hospital, Bombay, is necessary, then only shall the patient be entitled to receive treatment there at the Board's expense.

Note: «Recognised Hospital» for the purpose of this section means any hospital recognised for this purpose by the Central/State Governments.

40. An employee or a member of his family suffering from Poliomyelitis who is sent to a recognised hospital for treatment under the advice of the authorised medical attendant or by the Medical Superintendent of the recognised hospital to the Children's Orthopaedic Hospital, Bombay, shall be entitled to travelling allowance for the outward and inward journeys as laid down in Regulation 35.

41. The concessions allowed to an employee and for members of his family for treatment of Poliomyelitis shall also be deemed to be applicable in the case of «Cerebral Palsy» and «Spastics».

D Mental diseases:

42. An employee or a member of his family suffering from mental diseases may receive consultation and/or treatment in the nearest Govt. recognised Mental Hospital on the advice of the Medical Officer subject to the condition that the duration of the treatment for which reimbursement of medical expenses shall be admissible shall not exceed six months unless the Medical Superintendent of the Mental Hospital concerned certifies that treatment for a reasonable period upto six months beyond the six months limit is likely to lead to complete recovery of the patient.

43. An employee or a member of his family suffering from mental diseases who is sent to a recognised hospital for treatment under the advice of the Me-

Medical Officer shall be entitled to travelling allowance for the outward and return journeys as laid down in Regulation 35.

E Diet charges:

44. Reimbursement of diet charges in respect of hospitalisation under this section shall be allowed in the same manner and to same extent as prescribed in Note (1) below regulation 15 (2) and explanation (1) thereunder.

VII Travelling allowance

45. Travelling allowance to an employee or member of his family for journeys undertaken by them to obtain appropriate medical attendance and treatment to which they are entitled under the aforesaid Regulation shall be regulated as hereinafter specified.

46. (i) Journey by Rail.

- a) For the employee: Fare of the entitled class or of the lower class by which he actually travels, *plus* incidentals as for a journey on tour under the rules in force (but without halting allowance).
- b) For the member of his family: Fare of the class by which the employee is entitled to travel on tour under the rules in force or the lower class by which they actually travel.

Note: The facility of travel by air-conditioned accommodation at the Board's expense is not admissible for journeys performed for receiving medical attendance and treatment.

(ii) Journey by road:

- (a) For the employee: For the road portion of the journey or for journeys between stations connected by road only, actual fare paid for the journey by bus or other public conveyance or road mileage as on tour admissible under the rules in force whichever is less.
- (b) For the members of his family: Actual fare paid for the journey by bus or other public conveyance, or mileage allowance at half the rate of road mileage admissible to the employee, whichever is less.

(iii) Journey by steamer:

For an employee and members of his family: Single steamer fare of the class by which the employee is entitled to travel by steamer on tour or transfer under the T. A. Rules in force or of the lower class by which a patient actually travels.

(iv) Journey by air:

Travelling allowance by air is not admissible for the journeys undertaken to receive medical attendance and treatment authorised under these regulations, irrespective of whether or not the employee concerned is otherwise entitled to travel by air at his discretion on official duty. The Board may, however, consider refund of air fare paid in individual cases on merits provided it is satisfied that air travel was absolutely essential and that travel by any other means i. e. by rail or road, etc. would have endangered the life of the patient or involved a risk of se-

rious aggravation of his/her condition. In any case of an employee or a member of his family travelling by air for the purpose at his/her discretion is entitled to claim travelling allowance to the extent provided in Sub-regulation (i) to (iii) above.

(v) Journey by other means of conveyance: If the patient travels by means of conveyance other than those specified in this regulation or by his/her private conveyance, travelling allowance shall be admissible to the extent otherwise admissible under this regulation.

47. Travelling allowance at the rates specified in Regulation 46 above shall be admissible only when:

- a) the journey undertaken is outside the limits of the same city — Municipal or Corporation area — and exceeds 8 kilometres each way; and
- b) it is certified in writing by the Authorised Medical Attendant or by the Specialist to whom the patient was referred by the Medical Officer or by a competent Doctor attached to the Hospital to which the patient was referred by the Medical Officer for medical attendance and treatment, that the journey was unavoidably necessary to obtain appropriate medical attendance and treatment under these Regulations.

48. Where the journey is undertaken within the same city — Municipal or Corporation area — and the distance travelled is more than 8 kilometres each way, an employee and members of his family will be entitled to conveyance allowance only at the following rates provided it is certified by the Medical Authorities mentioned in Regulation 47(b) that it was necessary for the employee or members of his family to travel by a conveyance:

- a) For the employee: Actual conveyance charges limited to mileage allowance at tour rates under the rules in force (without daily allowance).
- b) For the members of his family: Actual conveyance charges limited to half the mileage allowance at tour rates (without daily allowance) admissible to the employee himself under the rules in force.

49. An attendant/escort shall be entitled to travelling allowance both ways at the rates admissible under these regulations to a member of the family of the employee concerned, provided it is certified in writing by the medical authorities mentioned in regulation 47(b) that it was unsafe for the patient to travel unattended and that an attendant/escort was necessary to accompany him/her to the place of treatment. Similarly, travelling allowances shall also be admissible if it becomes necessary for an attendant/escort to travel again to fetch the patient on production of the necessary certificate mentioned above.

50. Except as otherwise provided in these regulations, the journey for the purpose of this section shall be deemed to have commenced from the place where the patient actually travels to the place of treatment and the return journey to have ended at the place to which the patient actually travels or at the normal residence of the employee concerned, whichever is nearer.

51. (1) Advance of travelling allowance to the extent admissible under these regulations may be granted to employees at the discretion of the autho-

rity competent to sanction advance of T. A. on tour on production of a certificate in writing from the Medical Authorities mentioned in Regulation 47(b) above to the effect that the employee or a member of his/her family has been advised medical attendance and treatment outside the Station (name of the Station at which the patient has been recommended medical attendance and treatment to be specified), in accordance with these regulations.

(ii) The advance for T. A. for medical attendance and treatment shall unless otherwise specified, be treated as an advance on tour, and shall accordingly be subject to the following conditions.

a) In the case of temporary employees, the advance would be subject to the production of surety from a permanent employee.

b) The amount of advance shall be adjusted against the subsequent claim for T. A. on completion of journey.

c) A second advance shall not be admissible under these regulations until an account has been rendered of the first advance.

52. Interpretation: If any question arises relating to interpretation of these regulations, it shall be referred to the Chairman, whose decision shall be final.

By order,

M. J. Kurian, for Secretary.

Mormugao, 29th May, 1967.

(2nd time)